

Remarks

Applicants appreciate the Examiner's courtesy in granting Applicants' undersigned representative the telephonic interview held on December 28, 2004. The amendments and remarks made herein are consistent therewith.

Independent claims 36 and 52 are hereby amended to more clearly define the subject matter of the invention. The amendments are fully supported at least at page 8, lines 12 to 16. Applicants respectfully submit that no new matter is introduced by the present amendments.

Claims 36-55 are currently pending and presented for reconsideration. In view of the above amendments and following remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 36-55.

Rejection of Claims 36-55 under 35 U.S.C. §103(a)

Claims 36-55 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,499,630 to Hiki et al. ("Hiki"). Applicants respectfully traverse this rejection as applied to the claims, as amended.

Applicants respectfully submit that a prima facie case of obviousness is not established with respect to claims 36-55, in view of the amendments to independent claims 36 and 52, at least because Hiki fails to teach or suggest all the limitations of independent claims 36 and 52, as amended.

Hiki appears to disclose an endoscopic ultrasound probe capable of launching a puncture needle through the probe. The probe includes an "ultrasound transducer mounted on a girder portion of a rigid fore end section at the distal end of a flexible catheter member of the ultrasound probe." See, column 2, lines 31-45 and FIGS. 1 and 3. The ultrasound imaging device appears

Amendment and Response
Application No. 09/928,146

to be fixed relative to the endoscopic ultrasound probe. See, also, column 4, lines 55-60, and FIG. 2.

In distinct contrast to Hiki, Applicants' claimed ultrasound imaging device is axially and/or rotationally movable relative to the endoscope. Specifically, Applicants' amended claims 36 and 52 recite the catheter on which the ultrasound imaging device is mounted is "adapted for at least one of axial movement or rotational movement relative to the endoscope." At least because the ultrasound transducer of Hiki is mounted to the endoscopic probe, it is not axially or rotationally movable relative to the endoscopic probe.

In addition, Hiki fails to teach or suggest the desirability of an ultrasound transducer being rotationally or axially movable relative to the endoscope, as Hiki appears to only be concerned with launching a needle from the probe.

Accordingly, Applicants respectfully submit that, because of the aforementioned structural differences, amended claims 36 and 52 are patentable over Hiki under 35 U.S.C. § 103(a). Because the remaining claims 37-51 and 53-55 depend, either directly or indirectly, from amended claims 36 and 52, respectively, Applicants submit that those claims are patentable as well. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 36-55 based on Hiki.

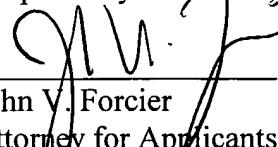
Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections, and allowance of all pending claims (i.e., claims 36-55) in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Date: January 3, 2005

Telephone: (617) 248-7675
Facsimile: (617) 248-7100

Respectfully submitted,


John V. Forcier
Attorney for Applicants
Reg. No. 42,545
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, MA 02110

3161399_1